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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TIMOTHY CLARK

CIVIL ACTION NO. 6:14-cv-02341

VERSUS

JUDGE DOHERTY

U.S. COMMISSIONER
SOCIAL SECURITY
ADMINISTRATION

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the Commissioner's decision is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to develop the record by ascertaining whether Mr. Clark was previously

¹A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5th Cir. 1993).

determined to be disabled. If Mr. Clark was previously determined to be disabled, then a determination shall be made concerning whether he is entitled to receive SSI benefits at this time. If necessary and appropriate, a determination shall be made as to whether his prior adjudication should be reopened. If Mr. Clark was not previously determined to be disabled, then (1) the record shall be developed concerning Mr. Clark's claimed impairments by, at a minimum, obtaining treatment notes and other medical records from the health care providers identified by Mr. Clark; (2) a determination shall be made as to whether Mr. Clark's impairments satisfy a listing; (3) Mr. Clark's residual functional capacity shall be reevaluated; (4) a determination shall be made as to whether Mr. Clark can perform his past relevant work; and (5) if Mr. Clark cannot perform his past relevant work, a determination shall be made as to whether there are other jobs available in the economy that Mr. Clark can perform. Additionally, Mr. Clark shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

Lafayette, Louisiana, this 3 day of ^{November} September 2015.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE